

Effective 5/10/2016

17-43-301 Local mental health authorities -- Responsibilities.

- (1)
 - (a)
 - (i) In each county operating under a county executive-council form of government under Section 17-52-504, the county legislative body is the local mental health authority, provided however that any contract for plan services shall be administered by the county executive.
 - (ii) In each county operating under a council-manager form of government under Section 17-52-505, the county manager is the local mental health authority.
 - (iii) In each county other than a county described in Subsection (1)(a)(i) or (ii), the county legislative body is the local mental health authority.
 - (b) Within legislative appropriations and county matching funds required by this section, under the direction of the division, each local mental health authority shall:
 - (i) provide mental health services to persons within the county; and
 - (ii) cooperate with efforts of the Division of Substance Abuse and Mental Health to promote integrated programs that address an individual's substance abuse, mental health, and physical healthcare needs, as described in Section 62A-15-103.
 - (c) Within legislative appropriations and county matching funds required by this section, each local mental health authority shall cooperate with the efforts of the Department of Human Services to promote a system of care, as defined in Section 62A-1-104, for minors with or at risk for complex emotional and behavioral needs, as described in Section 62A-1-111.
- (2)
 - (a) By executing an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, two or more counties may join to:
 - (i) provide mental health prevention and treatment services; or
 - (ii) create a united local health department that combines substance abuse treatment services, mental health services, and local health department services in accordance with Subsection (3).
 - (b) The legislative bodies of counties joining to provide services may establish acceptable ways of apportioning the cost of mental health services.
 - (c) Each agreement for joint mental health services shall:
 - (i)
 - (A) designate the treasurer of one of the participating counties or another person as the treasurer for the combined mental health authorities and as the custodian of money available for the joint services; and
 - (B) provide that the designated treasurer, or other disbursing officer authorized by the treasurer, may make payments from the money available for the joint services upon audit of the appropriate auditing officer or officers representing the participating counties;
 - (ii) provide for the appointment of an independent auditor or a county auditor of one of the participating counties as the designated auditing officer for the combined mental health authorities;
 - (iii)
 - (A) provide for the appointment of the county or district attorney of one of the participating counties as the designated legal officer for the combined mental health authorities; and
 - (B) authorize the designated legal officer to request and receive the assistance of the county or district attorneys of the other participating counties in defending or prosecuting actions within their counties relating to the combined mental health authorities; and

- (iv) provide for the adoption of management, clinical, financial, procurement, personnel, and administrative policies as already established by one of the participating counties or as approved by the legislative body of each participating county or interlocal board.
- (d) An agreement for joint mental health services may provide for:
 - (i) joint operation of services and facilities or for operation of services and facilities under contract by one participating local mental health authority for other participating local mental health authorities; and
 - (ii) allocation of appointments of members of the mental health advisory council between or among participating counties.
- (3) A county governing body may elect to combine the local mental health authority with the local substance abuse authority created in Part 2, Local Substance Abuse Authorities, and the local health department created in Title 26A, Chapter 1, Part 1, Local Health Department Act, to create a united local health department under Section 26A-1-105.5. A local mental health authority that joins with a united local health department shall comply with this part.
- (4)
 - (a) Each local mental health authority is accountable to the department, the Department of Health, and the state with regard to the use of state and federal funds received from those departments for mental health services, regardless of whether the services are provided by a private contract provider.
 - (b) Each local mental health authority shall comply, and require compliance by its contract provider, with all directives issued by the department and the Department of Health regarding the use and expenditure of state and federal funds received from those departments for the purpose of providing mental health programs and services. The department and Department of Health shall ensure that those directives are not duplicative or conflicting, and shall consult and coordinate with local mental health authorities with regard to programs and services.
- (5)
 - (a) Each local mental health authority shall:
 - (i) review and evaluate mental health needs and services, including mental health needs and services for persons incarcerated in a county jail or other county correctional facility;
 - (ii) as provided in Subsection (5)(b), annually prepare and submit to the division a plan approved by the county legislative body for mental health funding and service delivery, either directly by the local mental health authority or by contract;
 - (iii) establish and maintain, either directly or by contract, programs licensed under Title 62A, Chapter 2, Licensure of Programs and Facilities;
 - (iv) appoint, directly or by contract, a full-time or part-time director for mental health programs and prescribe the director's duties;
 - (v) provide input and comment on new and revised rules established by the division;
 - (vi) establish and require contract providers to establish administrative, clinical, personnel, financial, procurement, and management policies regarding mental health services and facilities, in accordance with the rules of the division, and state and federal law;
 - (vii) establish mechanisms allowing for direct citizen input;
 - (viii) annually contract with the division to provide mental health programs and services in accordance with the provisions of Title 62A, Chapter 15, Substance Abuse and Mental Health Act;
 - (ix) comply with all applicable state and federal statutes, policies, audit requirements, contract requirements, and any directives resulting from those audits and contract requirements;
 - (x) provide funding equal to at least 20% of the state funds that it receives to fund services described in the plan;

- (xi) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal Cooperation Act, Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts, and Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act; and
 - (xii) take and retain physical custody of minors committed to the physical custody of local mental health authorities by a judicial proceeding under Title 62A, Chapter 15, Part 7, Commitment of Persons Under Age 18 to Division of Substance Abuse and Mental Health.
- (b) Each plan under Subsection (5)(a)(ii) shall include services for adults, youth, and children, which shall include:
- (i) inpatient care and services;
 - (ii) residential care and services;
 - (iii) outpatient care and services;
 - (iv) 24-hour crisis care and services;
 - (v) psychotropic medication management;
 - (vi) psychosocial rehabilitation, including vocational training and skills development;
 - (vii) case management;
 - (viii) community supports, including in-home services, housing, family support services, and respite services;
 - (ix) consultation and education services, including case consultation, collaboration with other county service agencies, public education, and public information; and
 - (x) services to persons incarcerated in a county jail or other county correctional facility.
- (6) Before disbursing any public funds, each local mental health authority shall require that each entity that receives any public funds from a local mental health authority agrees in writing that:
- (a) the entity's financial records and other records relevant to the entity's performance of the services provided to the mental health authority shall be subject to examination by:
 - (i) the division;
 - (ii) the local mental health authority director;
 - (iii)
 - (A) the county treasurer and county or district attorney; or
 - (B) if two or more counties jointly provide mental health services under an agreement under Subsection (2), the designated treasurer and the designated legal officer;
 - (iv) the county legislative body; and
 - (v) in a county with a county executive that is separate from the county legislative body, the county executive;
 - (b) the county auditor may examine and audit the entity's financial and other records relevant to the entity's performance of the services provided to the local mental health authority; and
 - (c) the entity will comply with the provisions of Subsection (4)(b).
- (7) A local mental health authority may receive property, grants, gifts, supplies, materials, contributions, and any benefit derived therefrom, for mental health services. If those gifts are conditioned upon their use for a specified service or program, they shall be so used.
- (8)
- (a) As used in this section, "public funds" means the same as that term is defined in Section 17-43-303.
 - (b) Public funds received for the provision of services pursuant to the local mental health plan may not be used for any other purpose except those authorized in the contract between the local mental health authority and the provider for the provision of plan services.

Amended by Chapter 113, 2016 General Session

